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EXAMINER

SOREY, ROBERT A

ART UNIT

PAPER NUMBER

3626

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/723,100

Applicant(s)

SWEENEY, PATRICK J.

Examiner

ROBERT SOREY

Art Unit

3626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 April 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 4-25, 27, 28, 30 and 33-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-25, 27, 28, 30 and 33-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Notice to Applicant

1. In the amendment filed 04/15/2008, the following occurred: claims 1, 4, 15, 16, 25, 27, 28, 30, 33, 34, and 35 were amended, and claims 3, 26, 29, 31, and 32 were cancelled. Claims 1-2, 4-25, 27-28, 30, and 33-35 are pending.

Response to Amendments

2. Claim rejections under the second paragraph of 35 U.S.C. 112 are withdrawn due to Applicant's appropriate amendment wherein the selection by a user of a health care process for display is clearly taught.

Specification

3. The amendment filed 04/15/2008 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows:

4. In particular, Applicant does not point to, nor was the Examiner able to find support for, "comparing" the user identity and the location with an access database and displaying a health care process to the user as a "function" of processes "previously accessed" by the user as recited within claim 25; thus, said material appears to constitute new matter. Although Applicant teaches that "[b]ased upon the user ID, the user's location, and the time, a graphic is displayed for the particular user" (see: Sweeney, paragraph 38), it is unclear as to where the comparison takes place, what function is used, and how the function calls upon previously accessed processes. As

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such, Applicant is respectfully requested to clarify the above issues and to specifically point out support for these limitations in the originally filed specification and claims.

5. Applicant is required to cancel the new matter in the reply to this Office action.
6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. The specification is objected to under 35 U.S.C. § 112, first paragraph, because the specification, as originally filed, does not provide support for the invention as is now claimed for the reasons given above.

Claim Rejections - 35 USC § 112

8. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

9. Claim 25 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.
10. As per claim 25, Applicant recites the following limitations added upon amendment: "comparing the user identity and the location with an access database; the access database containing a list of health care processes previously accessed by the user and/or accessed at the location, displaying a list of health care processes to the

user as a function of the list of health care processes previously accessed by the user and/or accessed at the location".

Nowhere in the specification does Applicant teach "comparing" the user identity and the location with an access database, nor is it taught that the health care process displayed to the user is displayed as a "function" of processes "previously accessed" by the user. It is only taught that "[b]ased upon the user ID, the user's location, and the time, a graphic is displayed for the particular user" (see: Sweeney, paragraph 38), which is substantially different from what is claimed.

11. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

12. Claim 25 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

13. As per claim 25, the claim was amended to include "and/or" language rendering it unclear as to what elements Applicant is attempting to claim.

For the purposes of examination, the Examiner will interpret "and/or" to mean "or".

14. Claim 25 was also amended to include "displaying a list of health care processes to the user as a function of the list of health care processes previously accessed by the user and/or accessed at the location", but it is unclear as to how the function operates on the previously accessed material. Does this mean if there were no previous

processes accessed then nothing would show up, or only the previously function accessed would show up, or all available functions always show up?

15. For the purposes of examination, the Examiner interprets the function to include all possible scenarios.

16. Claim 25 was also amended to include "comparing the user identity and the location with an access database", but it is unclear as to how the "user identity and the location" are similar or dissimilar to an "access database".

17. For the purposes of examination, the Examiner interprets the comparison to be between the user identity and the location data and any attribute of the access database.

Claim Rejections - 35 USC § 103

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

19. **Claims 1-2, 4-6, 15-22** are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication 2002/0194023 to Turley et al. in view of U.S. Patent Application Publication 2003/0043144 to Pundarika et al. and further in view of U.S. Patent 6,208,974 to Campbell et al.

20. As per claim 1, Turley et al. teaches a computer system for displaying health care processes comprising:

--a network (Fig. 1, ele. 16)(see: at least paragraphs 7, 8 and 16);

--a server coupled to the network and in communication with a health care process database, the health care process database storing a plurality of health care processes, the server programmed to receive signals representative of a unique health care process and the server programmed to send in response to the signals information illustrative of the health care process (Fig. 1)(Fig. 7, ele. 100)(see: at least paragraphs 8, 18, 25, 26, and 41);

--a computer coupled to the network, the computer programmed to display an interactive user interface for selecting a health care process, communicate with the server when a user selects a health care process (Fig. 1, ele. 14)(see: at least paragraphs 8, 18, and 25); receive information illustrative of the health care process from the server, decode information (Fig. 1, ele. 12, 16, 18, and 20)(see: at least paragraph 20); and display the health care process to the user (Fig. 1, ele. 22)(see: at least paragraphs 19 and 25), *the interactive user interface includes a graphic display (Fig. 3)(see: at least paragraphs 10 and 31) of a medical facility*

Turley et al. discloses the invention substantially as claimed, but fails to teach a graphical display of a medical facility; however, Pundarika et al. teaches "simulating experiencing a store in three dimensions on a two-dimensional computer screen" (see: Pundarika et al., paragraph 17). Pundarika et al.'s invention relates not only to e-commerce opportunities but also to "other interactive, computer-based settings" (see: Pundarika et al., paragraph 10) like "museums, libraries, book clubs, video libraries, etc." Libraries and video libraries play a vial role in the field of medicine and meet the

"medical facility" limitation as they either are a medical facility or are a part of a medical facility. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the graphical display of a medical facility as taught by Pundarika et al. with the medical system as taught by Turley et al. with the rationale that recreating "the essential features of a real wor[ld] experience" so as to "enrich the Internet experience" for the user "take[s] personalization to a new level" (see: Pundarika et al., paragraphs 4 and 5).

Turley et al. further teaches:

--and a graphic display of a first human image (Fig. 3)(see: at least paragraphs 10 and 31),

Turley et al. disclose the invention substantially as claimed, but fails to specifically point out that the graphical image is a full human body; however, Campbell et al. teaches "a graphical representation of the pet" and displays the pet's full body (Fig. 7, ele. 702 and 704)(see: column 16, lines 1-2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Turley et al. and Campbell et al. with the rationale of providing the medical care person with the ability to select any part of a body representing a human being.

Turley et al. further teaches:

--the user being able to select representations of inanimate objects within the graphic display of the medical facility to select health care processes related to various inanimate objects therein (see: paragraph 9, selectable inanimate objects within the display is met by "information regarding the surgical instruments for use to implant the

selected orthopaedic component may also be presented to the surgeon"; additionally, Pundarika et al. also teaches "a web page on a computer screen that displays the interior of a book store and highlights some of the features of the display...[t]he visitor is able to navigate through the store...pick up a book from the shelves and view several pages in the book"), *the user being able to select representations of areas of the graphic display of the human body to select health care processes related to the selected representations of the areas of the human body* (Fig. 3)(see: at least paragraphs 10 and 31).

21. As per claim 2, Turley et al. discloses the invention as claimed, see discussion of claim 1, and further teaches:

--the interactive user interface is a graphical interface (Fig. 3)(see: at least paragraphs 10 and 31).

22. As per claim 4, Turley et al. discloses the invention substantially as claimed, see discussion of claim 2, and further teaches:

--the computer includes a mouse for interacting with the first human body image (see: paragraph 24).

23. As per claim 5, Turley et al. discloses the invention substantially as claimed, see discussion of claim 4, and further teaches:

--the mouse is used to move a pointer over the first human body image (see: paragraph 24).

24. As per claim 6, Turley et al. discloses the invention substantially as claimed, see discussion of claim 5, and further teaches:

--the computer is programmed to display a menu of different health care processes when the mouse is placed over a portion of the first human body image (Fig. 7)(see: paragraphs 40 and 41).

25. As per claim 15, Turley et al. teaches a computer implemented method for displaying a health care process to a user comprising:

--displaying a first interactive user interface screen on a display device (Fig. 1, ele. 14)(see: at least paragraphs 24-25), the interactive user interface screen includes a graphical display (Fig. 3)(see: at least paragraphs 10 and 31) of a medical facility

Turley et al. discloses the invention substantially as claimed, but fails to teach a graphical display of a medical facility; however, Pundarika et al. teaches "simulating experiencing a store in three dimensions on a two-dimensional computer screen" (see: Pundarika et al., paragraph 17). Pundarika et al.'s invention relates not only to e-commerce opportunities but also to "other interactive, computer-based settings" (see: Pundarika et al., paragraph 10) like "museums, libraries, book clubs, video libraries, etc." Libraries and video libraries play a vial role in the field of medicine and meet the "medical facility" limitation as they either are a medical facility or are a part of a medical facility. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the graphical display of a medical facility as taught by Pundarika et al. with the medical system as taught by Turley et al. with the rationale that recreating "the essential features of a real wor[l]d experience" so as to "enrich the Internet experience" for the user "take[s] personalization to a new level" (see: Pundarika et al., paragraphs 4 and 5).

Turley et al. further teaches:

--and a graphical display of a first human body image (Fig. 3)(see: at least paragraphs 10 and 31);

Turley et al. disclose the invention substantially as claimed, but fails to specifically point out that the graphical image is a full human body; however, Campbell et al. teaches "a graphical representation of the pet" and displays the pet's full body (Fig. 7, ele. 702 and 704)(see: column 16, lines 1-2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Turley et al. and Campbell et al. with the rationale of providing the medical care person with the ability to select any part of a body representing a human being.

Turley et al. further teaches:

--in response to user selection, displaying a plurality of user interface screens enabling the user to select a health care process (see: paragraphs 7, 9, and 28), the user being able to select representations of inanimate objects within the graphic display of the medical facility to select health care processes related to various inanimate objects therein (see: paragraph 9, selectable inanimate objects within the display is met by "information regarding the surgical instruments for use to implant the selected orthopaedic component may also be presented to the surgeon"; additionally, Pundarika et al. also teaches "a web page on a computer screen that displays the interior of a book store and highlights some of the features of the display...[t]he visitor is able to navigate through the store...pick up a book from the shelves and view several pages in the book"), the user being able to select representations of areas of the graphic display

of the human body to select health care processes related to the selected representations of areas of the human body (Fig. 3)(see: at least paragraphs 10 and 31);

--displaying the health care process selected by the user on a display device (Fig. 1, ele. 22)(see: at least paragraphs 19 and 25).

26. As per claim 16, Turley et al. discloses the invention substantially as claimed, see discussion of claim 15, and further teaches:

--the step of displaying a plurality of user interface screens enabling a user to select a health care process includes the step of the step of displaying a health care process list (Fig. 7)(see: paragraphs 40 and 41).

27. As per claim 17, Turley et al. discloses the invention substantially as claimed, see discussion of claim 16, and further teaches:

--the first interactive user interface screen is a first human body image (Fig. 3)(see: at least paragraphs 10 and 31).

28. As per claim 18, Turley et al. discloses the invention substantially as claimed, see discussion of claim 17, and further teaches:

--the step of displaying a health care process list is caused by user interaction with the first human body image (Fig. 7)(see: paragraphs 40 and 41).

29. As per claim 19, Turley et al. discloses the invention substantially as claimed, see discussion of claim 18, and further teaches:

-- user interaction with the first human body image comprises the steps of using a mouse to move a pointer to an area of the first human body image (see: paragraph 24).

30. As per claim 20, Turley et al. discloses the invention substantially as claimed, see discussion of claim 19, and further teaches:

--user interaction with the human body comprises the step of actuating a button on the mouse when the pointer points to an area of the first human body image (Fig. 3 and 4)(see: paragraph 29).

31. As per claim 21, Turley et al. discloses the invention substantially as claimed, see discussion of claim 20, and further teaches:

--the step of displaying a second human body image in response to the user interaction with the first human body image (Fig. 3 and 4)(see: paragraph 29).

32. As per claim 22, Turley et al. discloses the invention substantially as claimed, see discussion of claim 21, and further teaches

--the step of displaying the health care process on the display device includes the step of displaying a text description of the health care process (Fig. 7)(see: paragraphs 25 and 26).

33. **Claims 7-11** are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication 2002/0194023 to Turley et al. in view of U.S. Patent Application Publication 2003/0043144 to Pundarika et al. in view of U.S. Patent 6,208,974 to Campbell et al. and further in view of U.S. Patent Application Publication 2005/0039138 to Urbina.

34. As per claim 7, Turley et al. discloses the invention substantially as claimed, see discussion of claim 6, but fails to teach:

--the computer is programmed to magnify a portion of the first human body image when the mouse is placed over a portion of the first human body image.

However, Urbina teaches a computer system that magnifies an image when the user hovers the mouse pointer over an image (see: paragraph 3). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Turley et al. and Urbina with the rationale allowing the user to enlarge the images for a better view.

35. As per claim 8, Turley et al. discloses the invention substantially as claimed, see discussion of claim 7, and further teaches:

--the computer is programmed to present a second human body image when the mouse is placed over a portion of the first human body image and a button on the mouse is actuated (Fig. 3 and 4)(see: paragraph 29).

36. As per claim 9, Turley et al. discloses the invention substantially as claimed, see discussion of claim 8, and further teaches:

--the computer is programmed to present a third human body image when the mouse is placed over a portion of the second human body image and the button on the mouse is actuated (Fig. 4 and 5)(see: paragraph 30).

37. As per claim 10, Turley et al. discloses the invention substantially as claimed, see discussion of claim 9, and further teaches:

--the health care process contains text (see: paragraph 26).

38. As per claim 11, Turley et al. discloses the invention substantially as claimed, see discussion of claim 10, and further teaches:

--the health care process contains text and graphical images (Fig. 7)(see: paragraph 25).

39. **Claims 12-14** are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication 2002/0194023 to Turley et al. in view of U.S. Patent Application Publication 2003/0043144 to Pundarika et al. in view of U.S. Patent 6,208,974 to Campbell et al. in view of U.S. Patent Application Publication 2005/0039138 to Urbina and further in view of U.S. Patent Application Publication 2004/0068478 to Stubbs.

40. As per claim 12, Turley et al. discloses the invention substantially as claimed, see discussion of claim 11, but fails to specifically point out:

--the health care process contains an audio presentation.

However, Stubbs teaches an audio instruction system that contains an audio presentation (see: paragraph 8). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Turley et al. and Stubbs with the rationale of providing a means for properly undertaking an activity by using the appropriate instructions (see: Stubbs, paragraph 2).

41. As per claim 13, Turley et al. discloses the invention substantially as claimed, see discussion of claim 12, but fails to specifically point out:

--the health care process contains a video presentation.

However, Stubbs teaches a video instruction system that contains an audio presentation (see: paragraph 7). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Turley et al. and

Stubbs with the rationale of providing a means for properly undertaking an activity by using the appropriate instructions (see: Stubbs, paragraph 2).

42. As per claim 14, Turley et al. discloses the invention substantially as claimed, see discussion of claim 13, but fails to specifically point out:

--the computer system includes a language translator for converting the health care process from a first language to a second language.

However, Stubbs teaches an audio-video instruction system that contains audio and visual presentations presented in a preferred language (see: paragraph 6). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Turley et al. and Stubbs with the rationale of providing a means for properly undertaking an activity by using the appropriate instructions in the appropriate language (see: Stubbs, paragraph 2).

43. **Claims 23-24** are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication 2002/0194023 to Turley et al. in view of U.S. Patent Application Publication 2003/0043144 to Pundarika et al. in view of U.S. Patent 6,208,974 to Campbell et al. and further in view of U.S. Patent Application Publication 2004/0068478 to Stubbs.

44. As per claim 23, Turley et al. discloses the invention substantially as claimed, see discussion of claim 22, but fails to specifically point out:

--the step of displaying the health care process on the display device includes the step of playing an audio description of the health care process.

However, Stubbs teaches an audio instruction system that contains an audio presentation (see: paragraph 8). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Turley et al. and Stubbs with the rationale of providing a means for properly undertaking an activity by using the appropriate instructions (see: Stubbs, paragraph 2).

45. As per claim 24, Turley et al. discloses the invention substantially as claimed, see discussion of claim 23, but fails to specifically point out:

--the step of displaying the health care process on the display device includes the step of playing a video of the health care process.

However, Stubbs teaches a video instruction system that contains an audio presentation (see: paragraph 7). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Turley et al. and Stubbs with the rationale of providing a means for properly undertaking an activity by using the appropriate instructions (see: Stubbs, paragraph 2).

46. **Claims 25, 27-28, 30, and 33** are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication 2002/0194023 to Turley et al. in view of U.S. Patent 6,208,974 to Campbell et al.

47. As per claim 25, Turley et al. teaches a computer implemented method of displaying a health care process to a user comprising:

--displaying a first interactive user interface screen on a display device (Fig. 3)(see: at least paragraphs 10, 24, and 31);

Turley et al. fails to specifically teach:

--allowing a user to establish a user identity through interaction with the first interactive user interface screen;

However, Campbell et al. teaches the step of determining a user identity (see: column 9, lines 1-13; and column 28, lines 1-5). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine said teachings with the rationale of attributing an action to the person and team that performed the action and to allow the user to access the system and its functions (see: Campbell et al., column 9, lines 10-13).

Campbell et al. further teaches:

--establishing a location of the user when accessing the system (see: column 9, lines 35-39 and 46-64, is met by "prompting the user for input needed to complete each stage" of a visit, and that these stages consist of different locations in the facility such as the lobby, exam room, and lab among others);

--comparing the user identity (see: column 6, lines 54-67; column 9, lines 1-13; and column 28, lines 1-5) and the location with an access database (see: column 6, line 54 through column 7, lines 1-10);

Turley et al. further teaches:

--the access database containing a list of health care processes (Fig. 1)(Fig. 7, ele. 100)(see: at least paragraphs 8-9, 18, 25, 26, and 41)

But Turley et al. fails to specifically point out that the health care processes were:

--previously accessed by the user; and/or accessed at the location,

--displaying a list of health care processes to the user as a function of the list of health care processes previously accessed by the user and/or accessed at the location;

However, Campbell et al. teaches "[a]s a member of a team completes part of an exam or conducts some treatment using the system, the server software dynamically updates the data so that it will be properly reflected to other users when they access it" (see: column 7, lines 10-20). Furthermore, Campbell et al. teaches "users get access to the system and its functions based on their login name" (see: column 9, lines 1-12).

Turley et al. further teaches:

--enabling the user to select a health care process (see: paragraphs 7, 9, and 28) from the list of health care processes (Fig. 7)(see: paragraphs 40 and 41); and

--displaying the selected health care process to the user (Fig. 1, ele. 22)(see: at least paragraphs 19 and 25); and

Campbell et al. further teaches:

--updating the access database with the user, the location and the selected care process (see: column 11, lines 55-61; column 12, lines 34-41; and column 14, lines 35-45).

48. As per claim 27, Turley et al. discloses the invention substantially as claimed, see discussion of claim 25, but fails to specifically point out:

--the step of displaying a list of health care processes includes the step of forming a first subset of health care processes based upon the user identity and a second subset of health care processes based upon the location.

However, Campbell et al. teaches that "users get access to the system and its functions based on their login name" (see: column 9, lines 3-4) and that that some "client computers have special attributes that enable them to perform functions relevant to the part of the hospital where they are located" (see: column 6, lines 10-12). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the function-based-on-location and the access-based-on-identity concepts of Campbell et al. and the list of health care processes as taught by Turley et al. (see: discussion of claim 18) with the rationale of filtering out functions/list options irrelevant to the location where the task is being performed and to the specific individuals and/or people in specific occupational positions.

49. As per claim 28, see the discussion of claim 27.

50. As per claim 30, Turley et al. discloses the invention substantially as claimed, see discussion of claim 25, but fails to specifically point out:

--determining a date and a time when the computer implemented method was used; and

--recording in the database, the date, the time and the user identity.

However, Campbell et al. teaches that when a user takes an action their identity is recorded in a database along with the time period during which the action took place (see: column 6, lines 54-67, and column 9, lines 1-13). It would have been obvious to one of ordinary skill in the art at the time in the invention was made to combine said teachings with the rationale of attributing an action to the person and team that took the

action during the time period in which the action was performed for the purpose of generating bills (see: Campbell et al., column 9, lines 10-15).

51. As per claim 33, Turley et al. discloses the invention substantially as claimed, see discussion of claim 25, but fails to specifically point out:

--determining a specific procedure retrieved by the computer implemented method; and

--recording the specific procedure retrieved in the access database.

However, Campbell et al. teaches that actions are attributed to the person and team that took them and recorded in database (see: column 9, lines 12-23, and column 16, lines 14-19). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the said teachings with the rationale that recorded action can be attributed to the person to performed the action for billing purposes (see: Campbell et al., column 9, lines 10-15).

52. **Claims 34-35** are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication 2002/0194023 to Turley et al. in view of U.S. Patent 6,208,974 to Campbell et al. and further in view of Official Notice.

53. As per claims 34 and 35, the examiner takes Official Notice that aggregating utilization data is old and well known in the art. For example, health care facilities often record individual actions, and/or actions performed at a specific location, for later review for the purposes of conducting performance evaluations and work flow management studies. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include an analysis of the utilized health care processes

as a diagnostic tool for evaluating system user performance evaluations and/or system performance studies.

Response to Arguments

54. Applicant's arguments filed on 04/15/2008 have been fully considered but they are not persuasive. Applicant's arguments will be addressed herein below in the order in which they appear in the response filed on 04/15/2008.

55. In the remarks, Applicant argues in substance that (1) Turley et al. does not display a graphic representation of a medical facility and does not allow the user to search or select health care processes based on inanimate objects within a medical facility; (2) Turley et al. does not teach a graphic display of a medical facility and a human body image; and (3) Turley et al. does not teach displaying a list of health care processes based on previously accessed health care processes by a user or the location at which they were accessed.

56. In response to Applicant's arguments (1) and (2), it is respectfully submitted that the Examiner has applied new passages and citations to the amended claims. The Examiner notes that the amended and newly added limitations were not in the previously pending claims and as such Applicant's remarks with regard to the application of Turley et al., Campbell et al., Urbina, Stubbs, and Official Notice to the amended and newly added claims are moot in light of the inclusion of the teachings of Pundarika et al. as addressed in the above Office Action.

57. In response to Applicant's arguments (3), it is respectfully submits that Campbell et al. teaches "[a]s a member of a team completes part of an exam or conducts some

treatment using the system, the server software dynamically updates the data so that it will be properly reflected to other users when they access it" (see: column 7, lines 10-20), which meets displaying a list of health care processes based on previously accessed health care processes by a user. Furthermore, Campbell et al. teaches "users get access to the system and its functions based on their login name" (see: column 9, lines 1-12), which ties the user directly to the dynamically updated data, and since the processes accessible to the user after login were available to them during the previous login, this is tantamount to displaying "health care processes to the user as a function of the list of health care processes previously accessed".

Conclusion

58. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

59. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

60. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **ROBERT SOREY** whose telephone number is

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(571)270-3606. The examiner can normally be reached on Monday through Friday, 8:30AM to 5:00PM (EST).

61. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Gilligan can be reached on (571)272-6770. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

62. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robert Sorey/
Examiner, Art Unit 3626
04 June 2008

/C Luke Gilligan/
Supervisory Patent Examiner, Art Unit 3626